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¹ Accessible on-line at <http://www.osp.dgs.ca.gov/standardforms/default.htm>.

SECTION 5

ADMINISTRATIVE REQUIREMENTS

5.1 INTRODUCTION

In addition to meeting the administrative, business, and technical requirements as identified in Section 6, Business and Technical Requirements, Bidders must adhere to all of the administrative requirements of this RFP in order to be deemed responsive. This includes the administrative requirements as outlined in this section, Administrative Requirements; the rules in Section 2, Rules Governing Competition; the schedule specified in Section 1, Key Action Dates; the format specified in Section 8, Proposal Format; the completion of cost sheets specified in Section 7, Costs; and satisfactory performance of the demonstration, if required, as specified in Section 10, Demonstration.

5.2 PRODUCTIVE USE REQUIREMENTS

The objective of the Productive Use Requirements is to protect the State from being an experimental subject for new equipment, software and services that have an insufficient record of proven performance for a large governmental deployment and in a geographically diverse environment. It will be at the State's sole discretion whether to accept services, equipment, or software applications it believes are insufficiently tested, are experimental, or inconsistent with industry standards.

5.3 BIDDER RESPONSIBILITY

Prior to award of the contract, the State must be assured that the Bidder selected has all of the resources to successfully perform to contract requirements. Bidders shall demonstrate its ability and resources by providing, at a minimum, the following information in response to this section:

- Appropriate staff resources to be dedicated to the CALNET II MSA, as demonstrated by:
 - A list of personnel classifications to be assigned with required skills defined for each classification
 - An organization chart of personnel assigned to the CALNET II MSA
 - Brief resume statements of key management for the CALNET II MSA including but not limited to the implementation/project manager, contract manager, operations manager, marketing manager, technical manager et.al.
 - All key management must be available to work in California at the request of the State and at the State's designated location, and at no cost to the State
- Equipment and networks of appropriate type and in sufficient quantity to provide the services, as demonstrated by:
 - A description of the switching and network resources that the Bidder will apply to the project.

- Financial resources sufficient to complete performance under the contract, as demonstrated by:
 - Annual reports and currently audited balance sheets for the firm that is bidding (see RFP Exhibit 1-C).
- Experience in similar endeavors, as demonstrated by:
 - A general description of similar endeavors,
 - Customer reference forms (see RFP Exhibit 5-K).

Bidder responsibility will be evaluated and scored as described in RFP Section 9.5.3.2; however, compliance with the financial responsibility requirement described herein and in RFP Section 1.8 will be evaluated as either pass or fail as described in RFP Section 9.5.2. If, during the evaluation process, the State is unable to assure itself of the Bidder's ability to perform under the contract, if awarded, the State has the option of requesting from the Bidder any information that the State deems necessary to determine the Bidder's responsibility. If such information is required, the Bidder will be notified and will be permitted approximately five working days to submit the information requested.

5.4 BONDS AND OTHER SECURITY DOCUMENTS

5.4.1 Bond Requirements of the Final Proposal

NOTE: ALL BIDDERS MUST SUBMIT ONE OF THE FOLLOWING AS DESCRIBED BELOW WITH ITS FINAL PROPOSAL RESPONSE. FINAL PROPOSAL RESPONSES SUBMITTED WITHOUT ONE OF THE FOLLOWING SHALL BE CONSIDERED NON-RESPONSIVE AND THE BID SHALL BE REJECTED.

All Bidders must submit a Letter of Bondability or a Letter of Certificate of Deposit with their response to the RFP. Such letter shall be provided to the Procurement Official listed in Section 1.4 not later than the due date of the Final Proposal as listed in RFP Section 1.5, Key Action Dates.

- 1) The Letter of Bondability shall be from an admitted surety insurer which states that if the Bidder is successful, the surety shall guarantee to execute, within twenty-one (21) calendar days after the date of the contract award, a faithful Performance Bond as required in Section 5.4.3 of this RFP.
- 2) A Letter of Certificate of Deposit shall be insured by the Federal Deposit Insurance Corporation and shall state that if the Bidder is successful, a Certificate of Deposit will be furnished to the Deputy Director of the DGS Procurement Division within twenty-one (21) calendar days after the date of the contract award.

The Letter of Bondability or Letter of Certificate of Deposit shall remain in effect until the award of the contract or for 180 days after the Last Day to Submit the Final Proposal as indicated in Section 1.5, Key Action Dates, whichever occurs first.

5.4.2 Bond Requirements of the Award

Within 21 days after notification of contract award (unless submitted with the proposal), the successful Bidder MUST submit the instrument satisfying the Bond Requirement of the Award in the form of a Performance Bond or a Certificate of Deposit as stipulated below. Failure to submit the required document within 21 days may be cause for termination of the contract.

1) Performance Bond

The Bidder shall furnish to the Deputy Director of the DGS Procurement Division, at no cost to the State, a Performance Bond in the amount of twenty-five million dollars (\$25,000,000). The Bond shall be on a form from an admitted surety insurer and must guarantee contractor's compliance with the terms of the contract. The Performance Bond shall remain valid during the contract period and remain in effect until the Contractor's satisfactory compliance with the terms of the contract has been completed.

2) Certificate of Deposit

The Bidder shall furnish to the Deputy Director of the Department of General Services Procurement Division, (or specify delegated department name) at no cost to the State, a Certificate of Deposit. The Certificate of Deposit shall be a Security Deposit Time Certificate of Deposit from a bank insured by the Federal Deposit Insurance Corporation, in the amount of twenty-five million dollars (\$25,000,000), made payable to the Department of General Services. The Certificate of Deposit shall be automatically renewable during the contract period and remain in effect until the Contractor's satisfactory compliance with the terms of the contract has been completed.

Because of the potential consequences that might result if the successful Bidder is unable to furnish any of the specified documents, Bidders should take the necessary steps, prior to submittal of their proposals, to ensure that if awarded a contract, they will be able to comply with these requirements.

5.5 CONFIDENTIALITY

To preserve the integrity of the security and confidentiality measures integrated into the State's automated information systems and communications services, each Bidder is required to sign the Confidentiality and Non-Disclosure Agreement attached as **Exhibit 1-D** and submit it by the date specified in Section 1.5 of this RFP.

Similarly, any contractor and each of their employees engaging in information technology or telecommunications services to an agency under the resulting contract, which requires them to

come into contact with confidential agency information, will be required to exercise security precautions for such data that is made available. This may include the signing of an additional confidentiality and/or non-disclosure agreement or statement specific to the agency.

5.6 CONDITIONS TO BE EXAMINED

Visits to physical installation sites or to appropriate persons within the department may be made in accordance with Section 2 for the purpose of familiarization with the current system(s), environment, applications, etc. Conditions appropriate for examination include, but are not limited to any of the following:

- Inspection of the State's copper cable facilities at P Street, Sacramento.

Visits may be arranged, as security requirements permit, during normal business hours (8:00-4:30) Monday through Friday (excluding holidays), based on staff availability. Contact the Procurement Official listed in Section 1.4 to arrange for escorted access. For security purposes, the State may limit access to only those Bidders who have become pre-qualified.

5.7 DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION REQUIREMENT

State law requires that State contracts have participation goals of 3% Disabled Veteran Business Enterprise (DVBE) on each awarding Department's annual expenditures. For this procurement, the participation goal is 3% DVBE of the totals listed in Section 7, COSTS.

PLEASE READ THIS REQUIREMENT CAREFULLY. FAILURE TO COMPLY WITH THE DVBE REQUIREMENT MAY CAUSE YOUR SOLICITATION RESPONSE TO BE DEEMED NONRESPONSIVE AND YOUR FIRM INELIGIBLE FOR AWARD OF THE PROPOSED CONTRACT.

Review the DVBE instructions and complete applicable forms, accessible on-line at:
<http://www.pd.dgs.ca.gov/dvbe/default.htm>.

It is important to note that all participation commitments are to be captured on the STD 840, found at: <http://www.documents.dgs.ca.gov/pd/dvbe/std840.pdf>, which must be submitted with the sealed costs.

5.8 FEDERAL UNIVERSAL SERVICE FUND

Federal Grant programs available to schools and libraries under Universal Service Fund require suppliers to be certified as a Universal Service Administrative Company (USAC) and meet federal requirements for timeliness and accuracy in processing e-rate requests and invoicing. Since qualified agencies may use the CALNET II contract for purchases that are supported by the Federal Universal Service Fund, the successful contractor shall be responsible for all

federally required forms when utilizing the CALNET II contract for such transactions including FCC Form 473 (Service Provider Annual Certification Form) and FCC Form 498 (Service Provider Identification Number and Contact Information Form).

5.9 CONTRACTOR'S LICENSE

Contractors and subcontractors performing cable and/or wiring installation work or structural modifications for the State are required to have the appropriate State Contractor's License. **THE COMPANY SUBMITTING THE BID MUST HAVE THE APPROPRIATE LICENSE AS WELL AS ANY SUBCONTRACTORS.** The License must be in the name of the company or the name of the "qualifying individual" of the company. Bidders must complete **EXHIBIT 5-A**, Contractor's License Information.

The Bidder certifies under penalty of perjury, the accuracy of the representations made with regard to the contractor's license number, class, and expiration date.

The Contractor shall pay the rate of wages for regular, overtime, and holiday work plus employer payments for benefits generally prevailing in the locality in which the work is performed, for all crafts, classifications or types of workmen used on State premises at the point of delivery by the Contractor for the assembly and installation of material purchased under this contract.

A bid that does not contain the above information, or if the information is later determined to be false, shall be considered non-responsive and rejected by the State.

5.10 PUBLIC WORKS REQUIREMENTS

(APPLICABLE TO INSTALLATION ONLY)

1. In accordance with the provisions of Section 1773 of the California Labor Code, the Contractor shall conform and stipulates to the general prevailing rate of wages, including employer benefits as defined in Section 1773.1 of the California Labor Code, applicable to the classes of labor to be used for public works such as at the delivery site for the assembly and installation of the equipment of materials purchased under the contract.

Pursuant to Section 1770 of the California Labor Code, the Department of Industrial Relations has ascertained the general prevailing rate of wages in the county in which the work is to be done, to be as listed in the Department of Transportation booklet entitled General Prevailing Wage Rates. The booklet is required to be posted at the job site. Contact the Department of Industrial Relations, Prevailing Wage Unit at (415) 972-8628.

2. Prior to the commencement of performance, the Contractor must obtain and provide to the State, a payment bond, on STD. 807 when the contract involves a public works expenditure (labor/installation costs) in excess of \$5,000.00. Such bond shall be in a

sum not less than one-half the contract price for the public works portion of the labor/installation costs. Forms will be made available to the Contractor.

3. Each participating Bidder shall submit with their bid a list of proposed subcontractors or indicate that none are to be used. See **EXHIBIT 5-B**. The State reserves the right to approve or object to the use of proposed subcontractors on the list.
4. Each participating Bidder must certify that it is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and will comply with such provisions before commencing with the performance of work of this contract. A Workers' Compensation Certification must be completed and submitted with an original signature with the Bidder's Final Bid. See **EXHIBIT 5-C**.
5. Laws To Be Observed

a) Labor

Pursuant to Section 1775 of the California Labor Code, the Contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit not more than fifty dollars (\$50) for each calendar day, or portion thereof, for each worker paid by the Contractor, or its subcontractor, less than the prevailing wage so stipulated; and in addition, the Contractor further agrees to pay to each worker the difference between the actual amount paid for each calendar day, or portion thereof, and the stipulated prevailing wage rate for the same. This provision shall not apply to properly registered apprentices.

Pursuant to Sections 1810-1815 of the California Labor Code, inclusive, it is further agreed that the maximum hours a worker is to be employed is limited to eight hours a day and forty hours a week and the Contractor shall forfeit, as a penalty to the State, twenty-five dollars (\$25) for each worker employed in the execution of the contract for each calendar day during which a worker is required or permitted to labor more than eight hours in any calendar day or more than forty hours in any calendar week, in violation of Sections 1810-1815 of the California Labor Code, inclusive.

b) Travel and Subsistence Payments

The Contractor shall pay the travel and subsistence of each worker needed to execute the work, as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with California Labor Code Section 1773.8

c) Apprentices

Special attention is directed to Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code and Title 8, California Code of Regulations Section 200 et seq. Each Contractor and/or subcontractor must, prior to commencement of the public works contract, contact the Division of Apprenticeship Standards, 525 Golden Gate Avenue,

San Francisco, CA, or one of its branch offices to insure compliance and complete understanding of the law regarding apprentices and specifically the required rationale thereunder. Responsibility for compliance with this section lies with the prime Contractor.

d) Payroll

The Contractor shall keep an accurate payroll record showing the name, address, Social Security Account Number, work classification and straight time and overtime hours worked by each employee. A certified copy of the employee's payroll record shall be made available for inspection as specified in Section 1776 of the California Labor Code.

5.11 SUBCONTRACTORS

Using subcontractors to provide products and services required by the RFP enables suppliers to expand their ability to meet the needs of the State. However, use of subcontractors does not relieve the supplier from any responsibility to the State under the contract, or this RFP.

1. The Bidder must name any subcontractors intended to be used to fulfill any requirements of the RFP (see Exhibit 5-B).
2. The Bidder must provide of letter of intent or commitment from all Independent Local Exchange Carriers or Competitive Local Exchange Carriers selected to provide service under this agreement.
3. The Bidder must indicate which requirements will be satisfied by which subcontractors.
4. During the term of the contract, the State reserves the right to contact, consult or undertake business discussions with any subcontractor's employee.

All Bidders must identify within their proposal, in response to this section, all proposed subcontractors and suppliers expected to earn ten percent (10%) or more of the provider's total reimbursement from the State during any year that service is provided. For purposes of this paragraph, a year is defined as the annually reoccurring twelve-month period commencing with the date of award, and the contract term should be considered as five years. The information to be provided with the bid, associated with each such subcontractor or supplier, must include:

1. The name, and address of the subcontractor or supplier.
2. The Federal Employer Identification Number of the subcontractor or supplier.
3. The name and contact phone number of a contact person within the subcontractor or supplier organization.
4. A brief description of the nature of the work to be performed or goods supplied.
5. The estimated percent of the Bidder's anticipated total revenue that the subcontractor or supplier is expected to receive during each year the contract's term.

All subcontractors and suppliers who are expected to receive more than ten percent (10%) or more of the estimated value of the contract over the full term of the contract shall also be required to meet all Administrative and Technical Requirements of this RFP as applicable. Such subcontractor and supplier responses will be evaluated as part of the Bidder's overall proposal.

5.12 SMALL BUSINESS PREFERENCE

1. Section 14835, et seq. of the California Government Code requires a 5% preference be given to Bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business for the delivery of goods and services, are contained in Title 2, California Code of Regulations, Section 1896, et seq. A copy of the regulations is available upon request from the Office of Small Business and DVBE Certification (OSDC).
2. To claim the small business preference, which may not exceed \$50,000 for any bid, the Bidder must have its principal place of business located in California, have a complete application (including proof of annual receipts) on file with the State Office of Small Business and DVBE Certification (OSDC) by 5:00 p.m. on the Final Proposal due date (see Section 1.5, Key Action Dates), and claim the preference by submitting **EXHIBIT 5-D**. Eligibility for this preference will be verified by the State with the OSDC. Questions regarding the preference approval process should be directed to the OSDC at (916) 375-4490.
3. The cost proposal will be weighted after consideration of the Small Business preference, if applicable. If the highest scoring proposal is a certified small business, there is no need to adjust the scores. If the highest scoring Bidder is not a certified small business, then the score of the qualifying certified small businesses shall be reevaluated as follows:
 - a) A preference equal to 5% of the cost proposal component of the highest scored proposal shall be computed and shall constitute the small business preference amount.
 - b) The preference amount shall be subtracted from the cost component of the proposal submitted by qualifying certified small businesses and the price scoring of their proposals adjusted accordingly.
 - c) The winner shall be the best scoring proposal after the described small business preference adjustment(s).

5.13 TARGET AREA CONTRACT PREFERENCE (TACPA)

Target Area Contract Preference will be granted to California-based Bidders in accordance with California Code Section 4530 whenever contracts for goods or services are in excess of \$100,000 and the Bidders meet certain requirements as defined in the California Administrative Code

(Title 2, Section 1896 et seq.) regarding labor needed to provide the services being procured. Bidders questions regarding this preference should be directed to:

Department of General Services
Office of Small and Minority Business
707 3rd Street, 1st Floor, Room 400
West Sacramento, CA 95605
Telephone (916) 375-4940

Bidders desiring to claim this preference must submit a fully executed copy of **appropriate forms, accessible on-line at <http://www.pd.dgs.ca.gov/edip/default.htm>**, with their Final Proposal.

5.14 EMPLOYMENT AND ECONOMIC INCENTIVE ACT PREFERENCE (EEIA)

Whenever the State prepares an RFP solicitation for goods or services contracting in excess of \$100,000, except a contract in which the worksite is fixed by the provisions of the contract, the State shall award a 5 percent enterprise zone worksite preference to certain California-based companies. The California-based company must certify under penalty of perjury that no less than 50% of the labor required to perform the contract shall be accomplished at a worksite or worksites located in a designated Enterprise Zone (CCR, Title 2, Section 1896 et seq.).

Bidders desiring to claim this preference must submit a fully executed copy of **appropriate forms, accessible on-line at <http://www.pd.dgs.ca.gov/edip/default.htm>**, with their Final Proposal.

5.15 LOCAL AGENCY MILITARY BASE RECOVERY ACT (LAMBRA)

Whenever the State prepares an RFP solicitation for goods or services contracting in excess of \$100,000, except a contract in which the worksite is fixed by the provisions of the contract, the State shall award a 5 percent enterprise zone worksite preference to certain California-based companies. The California-based company must certify under penalty of perjury that no less than 50% of the labor required to perform the contract shall be accomplished at LAMBRA site (CCR, Title 2, Section 1896 et seq.).

Bidders desiring to claim this preference must submit a fully executed copy of **appropriate forms, accessible on-line at <http://www.pd.dgs.ca.gov/edip/default.htm>**, with their Final Proposal.

5.16 FEDERAL DEBARMENT

The Federal Department of Labor requires that State agencies that are expending Federal funds of \$25,000 or more to have in the contract file a certification by the supplier that they have not

been debarred or suspended from doing business with the Federal Government. Each Bidder must certify compliance by submitting a fully executed copy of **Exhibit 5-H** with their proposal.

5.17 PAYEE DATA RECORD

The successful Bidder as a result of this RFP will be required to sign the Payee Data Record, STD. 204, accessible online at <http://www.osp.dgs.ca.gov/standardforms/default.htm>, prior to contract award. The completed form should be returned with the Draft and Final Proposals.

5.18 CERTIFICATION TO DO BUSINESS IN THE STATE OF CALIFORNIA

Bidders must be certified with the Secretary of State of California in order to conduct business in the State of California. If the Bidder does not currently have this certification, the firm must be certified before contract award can be made. If this is the case, the Bidder must provide information to support the status of their application to be certified to do business in the State of California with the Final Proposal submission.

5.19 CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA

When agreements are to be performed in the State by corporations, the contracting agencies will be verifying that the Contractor is currently qualified to do business in California in order to ensure that all obligations due to the State are fulfilled.

“Doing business” is defined in Revenue and Taxation Code, 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are statutory exceptions to taxation, rarely will a Corporate Contractor performing within the State not be subject to the franchise tax.

Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

5.20 CONTRACTOR NAME CHANGE

Once a contract is awarded as a result of this RFP, any change to the contractor’s name will require a contract amendment. Invoices with a name other than that established on the original contract cannot be paid prior to execution of a contract amendment. Upon notification and receipt of legal documentation indicating the name change, the State will process the required amendment, assuming no change has been made to the business entity.

5.21 WORLD TRADE ORGANIZATION GOVERNMENT PROCUREMENT AGREEMENT

This RFP is subject to the requirements of the World Trade Organization (WTO) Government Procurement Agreement (GPA). All Bidders offering products or services of countries that are signatories of the WTO GPA and that have agreed to cover reciprocal sub-central coverage under the WTO GPA will be accorded non-discriminatory treatment in the award of a contract under this solicitation. These countries include the member states of the European Union (Austria, Belgium, Denmark, Finland, France, German, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), Israel, Japan, Korea, Norway and Switzerland.

5.22 CUSTOMER REFERENCES

The purpose of the Customer Reference Requirement is to provide the State the ability to verify the experience and claims made in the proposal by the Bidder. References will be evaluated as specified in Section 9, Proposal Evaluation.

Bidders shall provide a list of at least three (3) customers who presently use the same or similar services to those being proposed in response to the State's description of services contained in RFP Section 4 and in response to the requirements specified in RFP Section 6. The customers used for reference purposes should be paying customers external to the Bidder's organization and its wider corporate organization. Bidders that list fewer than three customer references or whose references are not external to the Bidder's organization may receive a less favorable evaluation, including the possibility of a material deviation if at the State's sole discretion the State decides that the Bidder has not clearly demonstrated sufficient knowledge and experience to assure a successful implementation and delivery of services.

For each reference, the Bidder shall use the Customer Reference Form of Exhibit 5-K. The Customer contact shall circle the rating under each question, and shall sign the form. Customer references will be contacted, and the Bidders past performance will be evaluated to assess the Bidder's ability to successfully perform. Evaluation will include those items listed in RFP Section 9.5.3.1. Current members of the DGS CALNET-II RFP Evaluation Team shall not be named as reference contacts due to conflict of interest.

5.23 OTHER ADMINISTRATIVE REQUIREMENTS

1. The contract executed as a result of this RFP must be able to be amended by mutual consent of the State and the Contractor.
2. All replacement equipment offered must be new and the latest model in current production. USED, SHOPWORN, REFURBISHED, DEMONSTRATOR, PROTOTYPE OR DISCONTINUED MODELS ARE NOT ACCEPTABLE, except when replacing State owned equipment at no cost to the State. In such cases of exception

the equipment may be used, but must be of equal or better condition as that owned by the State, in the opinion of the DGS/TD. Such used equipment shall be warranted free of defects for a minimum of six months, and in the event of defect within the warranty period it shall be replaced by the Contractor at no cost to the State.

5.24 CONCEPTUAL PROPOSAL REQUIREMENTS

Bidders must submit the following information in their Conceptual Proposal:

1. A description of the Bidder's significant subcontractor or other provider relationships, including LECs, IXC's, CLECs, etcetera as appropriate.
2. Overall plan to provide required services statewide. Bidder shall describe how it intends to meet the requirement to provide voice, video, and data services statewide. At a minimum the Bidder should address:
 - a. Ability and method to deliver required local voice services, such as: facilities-based within the Bidder's CPUC authorized territory, resale out of territory, pass-through of small LEC services, etc.
 - b. Ability and method to secure agreements with LECs, IXC's, and CLECs where necessary to ensure continuity of existing and future service requirements.
 - c. Ability and method to deliver required long distance voice services.
 - d. Ability and method to deliver required data services.
 - e. Ability and method to deliver required line-side services
 - f. Ability and method for collection and remittance of administrative fees to the state
3. Plan to provide invoicing and reporting for services, including services provided by subcontractors or other provider relationships.
4. Transition/Implementation Plan. At a minimum include how the Bidder anticipates transitioning from the current service provider to the Bidder, how service disruptions can be minimized, required equipment replacements, user training, transition to legacy invoicing systems, any expected state responsibilities, and other requirements.
5. Anticipated awarded vendor staffing levels to be applied to the transition and for ongoing services.
6. Description of how the Bidder anticipates conducting contract administration at the Program level.
7. Plan that describes the Bidder's understanding of its responsibility to assist CALNET customers in meeting business objectives through planning, selection, application, and cost effective use of contract services. The plan should identify any tasks the customer is expected to complete, and what role, if any, is anticipated of DGS/TD.

8. How the Bidder anticipates that service orders, service and account reporting, trouble resolution, and other reporting and contacts for all CALNET clients will be handled.
9. Any administrative or technical areas of concern that the Bidder would like to bring to the State's attention.
10. Identification of any state task, resource, or facility upon which the Bidders proposal or solution may be dependent.

5.25 DETAILED TECHNICAL PROPOSAL

Bidders must respond to all of Section 6 in its entirety for the Detailed Technical response by the date indicated in Section 1, Key Action Dates.

5.26 FORMS INDEX

The following forms are applicable to this RFP and are either required or optional. Please read each form and the associated requirements carefully to ascertain which forms are applicable to your proposal and complete and submit as appropriate. Some of the forms listed below are provided in the RFP in the Section corresponding to the Exhibit number, whereas others may be accessed on-line as referenced in the RFP. Required forms that are either incomplete or omitted from a Bidder's proposal could render the proposal as non-responsive which may disqualify Bidders from further participation and preclude a contract award. **IMPORTANT: PLEASE NOTE THAT THE FORMS LISTED BELOW WITH AN ASTERISK ARE REQUIRED FORMS AND MUST BE COMPLETED AND RETURNED WITH YOUR PROPOSAL.**

SECTION 1

Exhibit 1-A* LETTER OF INTENT TO BID

Exhibit 1-C* STATEMENT OF EXPERIENCE AND FINANCIAL CONDITION

Exhibit 1-D* CONFIDENTIALITY AGREEMENT

SECTION 5

Exhibit 5-A* CONTRACTOR'S LICENSE INFORMATION

Exhibit 5-B* LIST OF PROPOSED SUBCONTRACTORS

Exhibit 5-C* WORKER'S COMPENSATION CERTIFICATION

Exhibit 5-D SMALL BUSINESS PREFERENCE

Exhibit 5-E TACPA (STD. 830)¹

Exhibit 5-F EZA (STD. 831)¹

Exhibit 5-G LAMBRA (STD. 832)¹

Exhibit 5-H* CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY

Exhibit 5-I* PAYEE DATA RECORD (STD. 204)¹

Exhibit 5-J* DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION
PROGRAM REQUIREMENTS (DVBE) (STD. 840)¹

Exhibit 5-K* CUSTOMER REFERENCE FORM

MODEL CONTRACT

Appendix B STANDARD AGREEMENT (STD.213)

¹ Accessible on-line at <http://www.osp.dgs.ca.gov/standardforms/default.htm>.

EXHIBIT 5-A**CONTRACTOR'S LICENSE INFORMATION**

(For Installation Services Only)

Bidder shall complete the applicable contractor's license information below in accordance with the Contractor's State License Board, Department of Consumer Affairs. A Class C-7 Contractor's license is required before any Bidder can contract business (e.g. submit a proposal) that includes the installation of cable and wiring. In addition, if structural modifications are required, a Class B license is required.

CONTRACTOR:

Class _____ License No: _____

Licensee: _____ Expiration Date: _____

Note: Bidder(Firm's Name or a Responsible Managing Employee) must be licensed in addition to all subcontractor(s) performing under this contract.

SUBCONTRACTOR 1

Class _____ License No: _____

Licensee: _____ Expiration Date: _____

Relationship of Licensee to Contractor:
_____**SUBCONTRACTOR 2**

Class _____ License No: _____

Licensee: _____ Expiration Date: _____

Relationship of Licensee to Contractor:
_____**SUBCONTRACTOR 3**

Class _____ License No: _____

Licensee: _____ Expiration Date: _____

Relationship of Licensee to Contractor:

(Use additional sheets if necessary.)

EXHIBIT 5-B**LIST OF PROPOSED SUBCONTRACTORS (PUBLIC WORKS)**

Listed hereinafter is the name and address of each subcontractor who will be employed and the kind of work which each will perform if the contract is awarded to the aforesigned. I understand that under Government Code Section 4100 through 4113* (See Note Below) that I must here clearly set forth the name and address of each subcontractor who will perform work or labor or render service to me in or about the construction of the work in an amount in excess of one-half of one percent (1/2 of 1%) of my total proposal and that as to any work in which I fail to do so, I agree to perform that portion myself or be subject to penalty under the act.

(NOTE: IF MORE THAN ONE SUBCONTRACTOR IS LISTED FOR THE SAME TYPE OF WORK, STATE THE PORTION OF THAT TYPE OF WORK THAT THE INDIVIDUAL SUBCONTRACTOR WILL BE PERFORMING. LIST THE SUBCONTRACTORS' APPLICABLE CONTRACTORS LICENSE NUMBER(S), IF AVAILABLE. VENDORS OR SUPPLIERS OF MATERIALS ONLY, NEED NOT BE LISTED.)

If additional space is required for the listing of proposed subcontractors, reproduced additional sheets showing the required information, as indicated below, shall be attached hereto and made a part of the Final Bid proposal.

SUBCONTRACTORS:

<u>TYPE OF WORK</u>	<u>NAME AND ADDRESS</u>	<u>LICENSE NO.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTE: The above listing requirement will for purposes of this proposal be construed in accordance with the provisions of the Subletting and Subcontracting Fair Practices Act ("The Act") as set forth in Government Code Sections 4100 through 4113. Also, for purposes of this proposal and interpretation of The Act, a vendor will be considered to be a prime contractor regardless of whether such vendor is or is not a licensed contractor.

EXHIBIT 5-C**WORKERS' COMPENSATION CERTIFICATION**

The undersigned in submitting this document hereby certifies the following:

I am aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with such provisions before commencing the performance of the work of this contract.

Signature

Date

Name and Title (Print or Type)

Street Address

Firm Name

City, State ZIP

EXHIBIT 5-D**SMALL BUSINESS PREFERENCE****PLEASE CHECK THE APPROPRIATE LINE BELOW:**

_____ I am a California Certified Small Business and the Small Business Preference is applicable to this proposal. A copy of my certification from the OSDC is attached. (Please attach a copy of your certification to the response.)

_____ I have recently filed for Small Business Certification in California but have not yet received it.

_____ I am not claiming a Small Business Preference.

NAME OF BIDDER: _____

Signature: _____

EXHIBIT 5-H

**Certification Regarding Debarment,
Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participant's responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ THE INSTRUCTIONS ON THE FOLLOWING PAGE WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)

- (1) The prospective recipient of Federal assistance funds certifies, by submission of this bid, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

EXHIBIT 5-H (Cont.)**Instructions for Certification**

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this class is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.

CUSTOMER REFERENCE FORM**EXHIBIT 5-K**

(please use additional pages as necessary)

BIDDER'S NAME: _____

Note to customer reference: the Bidder on this RFP is giving you this customer reference form to verify your overall satisfaction of their performance.

1. Customer Reference Company Name: _____
2. The nature of the customer organization or business. _____

3. Customer Reference Contact Person, name and title: _____

4. Telephone Number: () _____ E-mail address: _____

5. Customer Reference Contact Address: _____

6. Dates over which service was provided (from / to) _____

7. Please describe the telecommunications services provided by the bidding company listed above:

8. The nature of the Bidder/customer relationship, e.g., was it a contracted service as a result of a bid?, was it a tariffed service?, was it a subcontract to another provider?, etc. Please explain:

9. Approximate annual contract amount \$ _____

CUSTOMER REFERENCE FORM

EXHIBIT 5-K Continued

10. Customer Satisfaction Rating:

On a scale from one (1) to ten (10) with ten being the highest rating, how would you rate the Bidder's overall performance in completing the contract requirements. (Please indicate one number only to rate the Bidder's performance)

- a. How would you rate their effectiveness in installing their new services, and/or transitioning to their services from previous service provider(s)?

1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____ 7 ____ 8 ____ 9 ____ 10 ____

- b. How would you rate their service delivery and performance?

1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____ 7 ____ 8 ____ 9 ____ 10 ____

- c. How would you rate the responsiveness and effectiveness of their maintenance and ongoing support?

1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____ 7 ____ 8 ____ 9 ____ 10 ____

- d. How would you rate their overall contract compliance?

1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____ 7 ____ 8 ____ 9 ____ 10 ____

- e. How would you rate the responsiveness of the Bidder's personnel to your requests?

1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____ 7 ____ 8 ____ 9 ____ 10 ____

- f. How would you rate your overall experience with the Bidder?

1 ____ 2 ____ 3 ____ 4 ____ 5 ____ 6 ____ 7 ____ 8 ____ 9 ____ 10 ____

- g. Please provide any additional comments or clarifications as appropriate.

CERTIFICATION: I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief all information is accurate.

11. Customer Reference Contact Person Signature: _____

12. Printed Name and Title of Person Signing: _____